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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,733	01/08/2007	Michael W. Ferguson	660.0338-US-WO	4462
22865	7590	08/31/2010		
Altera Law Group, LLC 220 S 6 St Suite 1700 Minneapolis, MN 55402			EXAMINER JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,733	Applicant(s) FERGUSON ET AL.	
	Examiner PRENELL P. JONES	Art Unit 2467	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 22-30 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argues that the cited prior art neither alone or combined teaches using a third party device/control unit that gains access to the inner workings of a PC, which includes bypassing the locked PC, communicate around the hardware/software to which it is not directly connected.
3. Applicant further argues that the combined cited art fail to teach the **newly added** limitation of a **separate bypass control**.
4. Applicant argues that the combined cited art fail to teach fail to teach remote lock/unlocking issues. However, Examiner would like to point out that the Applicant is not claiming remote lock/unlocking issues.
5. In light of Applicant's recent amendments, Examiner withdraws previous 102 and 103 rejections. However, Examiner performed an additional search wherein additional prior art has been cited and utilized in the Final Rejection that follows.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2467

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim **22, 26, 29 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (EP 0990969) in view of Longobardi (US PG PUB 2002/0109731) and Young, III (US Patent 5,694,467).

Regarding claim 22, 26, 29 and 30, Shaffer et al (EP 0990969) security system combination of a pc, softphone and headset system, including PC with keyboard and display, software installed on the pc thereby configuring a softphone on the pc, software installed on the PC for locking the PC from access without an access code; a gate on the PC for connecting a headset; a headset system including a unit having a speaker and microphone for connection to the PC via the gate, to a softphone of a PC with keyboard and display (*Fig. 1, paragraph 0011-0014 and 0020, computing devices 12, 14 & 16 and associated computers/PCs and telephones 24, 26 and 28 are utilized in a communication system that implements telephony over LAN (TOL)/softphone, wherein sound cards or external speakers can be utilized as communication unit as well as the headset of the phone; Shaffer further discloses allowing access to a subset of communication capabilities when PC/CPU or other devices are in a locked mode*), wherein that a control unit is coupled between the communications unit and the softphone, said control unit

Art Unit: 2467

(handset) being adapted to transfer commands to the softphone, software installed on PC (CPU) configuring TOL/softphone (paragraph 0011-0014). Shaffer further discloses wherein the control unit (handset) is connected to the softphone via a USB gate (*Fig. 1, paragraph 0022, control unit (handset)/computer/CPU is coupled to the TOL/softphone via a server/gate*), while the communications unit is connected by a wire to the control unit (*Fig. 1, 0020 and 0023, communication unit/headset connected by a wire to the control unit/handset*); and control unit including a plurality of command code access buttons specifically configured by a driver to transfer commands to the pc directly and unlock access only between the headset and the softphone without accessing or unlocking the keyboard; so that the use of the headset is possible without unlocking the pc and without accessing the keyboard and compromising the overall pc security (*paragraph 0020, modem interconnected between communication unit and the phone; paragraph, 0023-0026 and 0029, the CPU of the computing devices/control unit enable controlling direction of calls when PC/computer is in a locked mode/secure position, the calls/commands are directed to TOL client*), when the PC is coupled in security position and when the PC is coupled in a normal position (*paragraph 0029 and 0031, the CPU of the computing devices/control unit enable controlling direction of calls*).

Although Shaffer fails to disclose a bypass control unit between the PC and headset, wherein the headset includes a microphone and speaker, **Longobardi discloses a control box** (CB/bypass CB) which operates in various modes (paragraph 0028-0031) is coupled between a CPU (personal computer) and a headset (HS), wherein the CB includes multiple inputs for peripheral devices (*Fig. 1, Abstract, paragraph 0016, 0018, 0021, 0022*). Longobardi further discloses control box (CB) includes a driver unit which enables the control box to implement operational commands via software (*paragraph 0027*) and **Young, discloses a control box** (bypass control box) which operates in a bypass mode is coupled between a phone and a

Art Unit: 2467

headset includes microphone and speaker (*col. 3, line 50-67*), wherein the headset converts received electrical signals into sound, and the headset has a microphone for transmitting microphone electrical signals. Young further discloses that the control box provides pause control (*col. 1, line 27-47 and col. 2, line 25-67, col. 3, line 1-48, col. 45-67*) and that the telephone system could be implemented with other types of telephones (*col. 5, line 27-35*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement utilizing a bypass control unit between the PC and headset, wherein the headset includes a microphone and speaker as taught by the combined teachings of Longobardi and Young with the teachings of Shaffer for the purpose of further providing telephony security.

9. **Claims 23-25, 27 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (EP 0990969) in view of Longobardi (US PGPUB 2002/0109731) and Young, III (US Patent 5,694,467) as applied to claim 22 above, and further in view of McElvaney (US PGPU 20060093102).

Regarding claim 23-25, 27 and 28 as indicated above, combined Shaffer, Longobardi and Young disclose accessing calls in a secure IP telephone environment when CPU/PC is in a locked mode, whereby a control unit (control box or handset) is utilized as a bypass medium between a headset and a PC, wherein said control unit comprises a stand alone box electrically connectable to the PC; and when computer/PC is in a locked mode, the mode can be unlocked or switched to a normal mode by as to limit the number of access capabilities enabled .

Although Shaffer, Longobardi and Young are silent on a PC via a USB gate and having a port for connection to a headset, the box having a plurality of user accessible buttons

Art Unit: 2467

providing, when actuated, a security code transmitted to the PC via the USB gate, McElvaney discloses in a Internet Telephony architecture a PC coupled to a cordless handset base unit (control box w/ command buttons) coupled to a cordless headset, and handset/control unit has power source for the headset, and USB coupled to control unit/handset, and decoding provisions for receiving security codes (*Fig. 1, Abstract, paragraph 0007, 0022, 0025, 0028 and 0029*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a PC via a USB gate and having a port for connection to a headset, the box having a plurality of user accessible buttons providing, when actuated, a security code transmitted to the PC via the USB gate as taught by the combined teachings of McElvaney with the combined teachings of Shaffer, Longobardi and Young for the purpose of further providing telephony security.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2467

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Pankaj Kumar can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

/Prenell P Jones/

Examiner, Art Unit 2467

August 23, 2010

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 2467